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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,871	11/26/2003	Akira Orii	424P066	8651

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EXAMINER

NERBUN, PETER P

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,871

Applicant(s)

ORII ET AL.

Examiner

Peter P Nerbun

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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This application is in condition for allowance except for the following formal matters:

The drawings are objected to because an arrow in Figure 1 between box 6 and box 7 has been omitted. Providing an arrow between box 6 and box 7 in Fig. 1 is deemed necessary so as to be consistent with the specification which states that data combining device 6 forms a pattern list and that image treating device 7 is provided to treat an image of combined patterns in accordance with the pattern list so that the treated image of patterns may be indicated at the pattern indicating device 8. In order for the image treating device 7 to treat an image of combined patterns in accordance with the pattern list formed by the data combining device 6 the image treating device 7 must have access to that pattern list. Therefore an arrow must extend from data combining device 6 which forms the pattern list to image treating device 7 so as to provide the data that constitutes said pattern list.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The disclosure is objected to because of the following informalities:

The specification contains minor errors in grammar and syntax. On page 1, line 19 of the specification, after "movement of", --a-- should be inserted; on page 1, line 21, "these are" should be changed to --being--; on page 4, line 12, after "4", --is-- should be inserted; on page 5, line 26, "is" should be deleted; on page 6, line 2,

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"patterns" should be changed to --pattern--; on page 6, line 9, after "of", --a-- should be inserted.

Claims 2,4, and 6-8 contain minor errors in grammar and syntax. In claim 2, line 3, "being" should be deleted. The same change should be made in claim 6, line 3. In claim 4, line 4, "arrange" should be changed to --arranging--; in claim 4, line 9, "the" should be deleted. In claim 7, line 3, "of," should be changed to --of:--. In claim 8, line 6, "patter" should be changed to --pattern--.

Appropriate correction is required.

The following is an examiner's statement of reasons for allowance:

Claim 1 and its dependent claims are allowed because claim 1 specifically requires a sewing machine for stitching optionally selected patterns in accordance with pattern data, the sewing machine comprising a means for giving indication data for said pattern data, a means for arranging indication data for pattern data in accordance with a combination of said pattern data, and a means for designating an initial one of the pattern data indicated at said indicating means.

Claim 4 and its dependent claims are allowed because claim 4 specifically requires a sewing machine for stitching optionally selected patterns in series in accordance with pattern data, the sewing machine comprising a means for discriminating whether or not pattern data indicated is identical with preceding pattern data, and a means for treating the stitch end point of indication data for said preceding pattern data so that said stitch end point may be indicated in series at said pattern indicating means as the stitch start point of the indication data for the next pattern data,

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in case said preceding pattern data is discriminated as identical with said next pattern data.

Claim 7 and its dependent claim are allowed because claim 7 specifically requires an indicating method of a sewing machine for stitching a plurality of patterns in series in accordance with pattern data, said indicating method comprising the steps of: discriminating whether or not the pattern data of linearly combined pattern data is identical with preceding pattern data, and treating images of the patterns to be indicated in a manner that the stitch end point of the indication data corresponding to said preceding pattern data may be a stitch start point of the indication data corresponding to the next pattern data, in case said preceding pattern data is discriminated identical with the next pattern data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

The patent to Skogward is cited to disclose a sewing machine for stitching optionally selected patterns in accordance with pattern data, the sewing machine comprising: a device 12, Fig. 2 for giving indication data for said pattern data, a device 15 for arranging said indication data in accordance with a combination of said pattern data, and a device for indicating said indication data (see the display shown in Fig. 3).

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

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A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter P Nerbun whose telephone number is 703-308-0955. The examiner can normally be reached on M-F (1st Week) M-Th (2d Week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peter Nerbun
March 26, 2004


Peter Nerbun
Primary Examiner